



**Request for City Council Committee Action
From the City Attorney's Office**

Date: April 3, 2002
To: Ways & Means Budget Committee
Referral to: None.

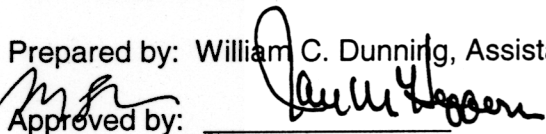
Subject: Claims of Annie Jackson and Cherry Jackson

Recommendation: That the City Council approve the settlement of these claims by payment of \$11,500.00 to Cherry Jackson and Dennis Atchison, her attorney, and by payment of \$7,500.00 to Annie Jackson and Dennis Atchison, her attorney.

Previous Directives: None

Prepared by: William C. Dunning, Assistant City Attorney

Phone: 673-2473

Approved by: 

Jay M. Heffern
City Attorney

Presenters in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 6660
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information:

On June 8, 1999, City driver James Schultz was driving a sanitation pick-up truck north-bound on 5th Avenue at 5th Street. Schultz drove the truck into the intersection against a red light colliding with a car driven by Annie Jackson. After the accident, Schultz said that he did not notice the light. Cherry Jackson was a passenger in her sister's car at the time of the collision.

Since the time of the accident the Jackson's have been treated for neck and back injuries. We have received the report on the independent medical examination of Cherry Jackson by Dr. Tim Fredrick. The doctor has stated that Cherry has suffered a disc tear at the L5-S1 Level with radiculopathy. Further, we have the report of Dr. William G. Akins of his examination of Annie Jackson. He has stated that her injuries are of a strain/sprain nature from which she will recover.

Liability in this matter is clear. Therefore, the only question to be resolved is the nature, extent and value of damages. The attorney for the claimants and I have agreed that the claims will be settled by the payment of \$11,500.00 to Cherry Jackson and \$7,500.00 to Annie Jackson, subject to the approval of the City Council. In view of the injuries I feel that the settlement is wise.

WCD:cr/00L-0355/3.29.02